

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GEM YIELD BAHAMAS LIMITED and GEM
GLOBAL YIELD LLC SCS,

Petitioners,

vs.

MULLEN TECHNOLOGIES, INC. and MULLEN
AUTOMOTIVE, INC.,

Respondents.

Case No. 1:24-cv-01120-KPF

Related Case No. 1:23-cv-
11268-KPF

Hon. Katherine Polk Failla

DECLARATION OF JONATHAN A. PATCHEN

Jonathan A. Patchen, an attorney admitted to practice before this Court, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a partner with the law firm Willkie Farr & Gallagher LLP, counsel in this proceeding to Petitioners GEM Yield Bahamas Limited and GEM Global Yield LLC SCS (“GEM” or “Petitioners”). I submit this declaration to provide the Court with documents referred to in Petitioners’ Brief in Further Support of Application to Confirm and Enter Judgment on Interim Measures Arbitration Award and Request to Stay Related Action.

2. This declaration and its attached exhibits supplement (i) the previous Declaration of Alexander L. Cheney, and its exhibits, filed with the Court on February 20, 2024 in support of Petitioners’ Application to Confirm and Enter Judgment on the Interim Measures Arbitration Award (ECF No. 5.), and (ii) my previous Declaration, and its exhibits, filed with the Court on February 23, 2024 in support of Petitioners’ Application to Confirm and Enter Judgment on the Partial Final Award (ECF No. 21).

3. I submit as exhibits hereto true and correct copies of the following documents:

- a. **Exhibit 1**: Letter dated January 12, 2022 from Mullen to the Arbitrator in the Arbitration¹ opposing GEM's request to file a dispositive motion.
- b. **Exhibit 2**: Mullen's Request for Production of Documents to GEM in the Arbitration, dated May 9, 2022.
- c. **Exhibit 3**: Mullen's Special Interrogatories to GEM in the Arbitration, dated May 9, 2022.
- d. **Exhibit 4**: Mullen's Amended Responses to GEM's Special Interrogatories in the Arbitration, dated July 6, 2022.
- e. **Exhibit 5**: Mullen's letter to the Arbitrator regarding arbitrability of the Warrant, dated September 23, 2022.
- f. **Exhibit 6**: Excerpts from expert Report of Dr. Ryan Bubb, submitted in the Arbitration, dated November 1, 2022.
- g. **Exhibit 7**: Excerpts from Mullen's Opening Memorandum of Law on Liability in the Arbitration, dated January 9, 2023.
- h. **Exhibit 8**: Excerpts from transcript of closing argument in the Arbitration, held on June 6, 2023.
- i. **Exhibit 9**: Transcript of initial pretrial/pre-motion conference held on March 21, 2024, in this action and related case 1:24-cv-011268.

¹ The Arbitration refers to the arbitration proceeding entitled *GEM Yield Bahamas Limited and GEM Global Yield LLC SCS v. Mullen Technologies, Inc. and Mullen Automotive, Inc.*(together, "Mullen"), AAA Case No. 01-21-0016-7001.

Dated: March 29, 2024
Piedmont, CA

/s/ Jonathan A. Patchen
Jonathan A. Patchen

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2024, I caused the foregoing Declaration of Jonathan A. Patchen and its attached exhibits to be served on the following counsel for Respondents via email.

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/s/ Jonathan A. Patchen

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